IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.134 OF 2005

Baba Khan Sher Khan & Anr. .... Petitioners
Vs.
State of Maharashtra & Ors. .... Respondents

Shri R.M. Kachare for the Petitioners.

Shri D.S. Mhaispurkar, Addl. Public Prosecutor, for the Respondent Nos.1 to 5.

Sarvasri A.P. Mundargi with Ganesh Gole for the Respondent Nos.6 and 8.

Shri M.K. Kocharekar for the Respondent No.7.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: APRIL 01, 2005

P.C:

Heard. The petitioners by the present petition seek transfer of the investigation pursuant to the FIR Nos.77 and 164 of 2004 carried out by the police authorities at the Agripada police station. The entire basis for apprehension that the police may not carry out the investigation properly is that the petitioners have not been provided with police protection inspite of the order dated 10-9-2004 issued by the City Civil Court, Mumbai in Notice of Motion No.3666 of 2004 in S.C. Suit No.4263 of 2004. Bare perusal of the said order of the City Civil Court discloses that there was no direction

by the said Court for police protection to the petitioners for enforcement of the ad-interim ex parte order granted in the said notice of motion on 10-9-2004. Being so, the apprehension is totally misconceived and without any basis and there is no justification for transfer of the investigation. Besides, admittedly, the charge-sheet in relation to the FIR No.77/04 has already been filed. Being so, there is no case made out for interference in the matter. The petition is rejected.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)